IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

Crl.MC.No. 4055 of 2006()

CRIME NO.55 OF 2006 OF KASSABA POLICE STATION

PETITIONER: DEFACTO COMPLAINANT/ACCUSED:

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1. PAKKEESSA, AGED 26 YEARS,
   D/O.CHERIYA ARAKKAL IMBICHI KOYA,
   THALIKULANGARA KATHYASAM HOUSE,
   NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

2. GADHAFI, AGED 29 YEARS,
   S/O.UMMERKOYA, AFRAS HOUSE,
   NAGARAM AMSOM DESOM, KOZHIKODE.

3. UMMER KOYA, AFRAS HOUSE,
   NAGARAM AMSOM DESOM, KOZHIKODE.

4. JAMEELA, W/O.UMMER KOYA,
   AFRAS HOUSE, NAGARAM AMSOM DESOM,
   KOZHIKODE.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: STATE/DEFACT COMPLAINANT:

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.4055 OF 2006

Dated this the 18th day of December, 2006.

ORDER

The petitioners are the complainant and accused 1 to 3 in a prosecution, inter alia, under Section 498 (A) and 406 I.P.C. The crux of the allegations is that the 1st petitioner/defacto complainant was subjected to matrimonial cruelty by petitioners 2 to 4 herein - ie. her husband and her parents-in-law. A crime was registered. Investigation was conducted and the final report was filed alleging commission of offence by accused 1 to 3, ie. petitioners 2 to 4 herein under Section 448, 406 & 498 A read with 34 I.P.C. Cognizance has already been taken and the case is pending as C.C.No.150 of 2006 before the Chief Judicial Magistrate, Kozhikode.

2. This joint petition has been filed by the petitioners to inform the Court that the disputes between the contestants have been settled amicably and that the 1st petitioner has compounded the offence allegedly committed by petitioners 2 to 4. Though the offence under Section 498 (A) I.P.C is not compoundable, it is prayed that a lenient view may be taken and the proceedings initiated against petitioners 2 to 4 may be quashed invoking the

powers of the Court under Section 482 Cr.P.C. With the help of the dictum in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386], it is prayed that the proceedings may be brought to premature termination. The parties have settled the disputes and the spouses having legally terminated the matrimonial tie between them.

3. No objections are raised by the learned Public Prosecutor and I am satisfied from the materials available that the matter has been settled between the parties and that the 1st petitioner has compounded the offence committed against petitioners 2 to 4. The 1st petitioner has filed an affidavit duly attested by her counsel and the counsel who appears for both 1st petitioner and petitioners 2 to 4 vouch for the signature of the 1st petitioner in the affidavit as also in this Crl.M.C.

4. This Crl.M.C is, in these circumstances, allowed. C.C.No.150 of 2006 pending before the Chief Judicial Magistrate, Kozhikode against petitioners 2 to 4 is hereby quashed.

R.BASANT
JUDGE

rtr/